



## UNITED STATES PATENT AND TRADEMARK OFFICE

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SPOKANE, WA 99201**

**Director's Office  
Office of Patent Publication**

In re Application of :  
FIELD, SCOTT A. :  
Application No. 09/489,192 : **DECISION ON PETITION**  
Filed: January 20, 2000 :  
Attorney Docket No. MSI-407US :  
:

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent and Trademark Office (USPTO) via facsimile transmission on April 25, 2006.

The petition is **DISMISSED**. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition for Withdrawal of Holding of Abandonment."

The application was held abandoned for applicant's failure to timely file corrected drawings as required in the Notice of Allowability, mailed September 7, 2005.

Petitioner states that the applicant timely filed Replacement Drawing Sheet 2 in response to the Office Action Date 11/28/2003. The Replacement Drawings Sheet 2 was received in the USPTO on 3/24/2004. Also that the applicant's representative contacted the PTO on 9/15/2005 with regards to the acceptance of Replacement Drawing Sheet 2 filed 3/24/2004. And that the PTO corrected their records and made an entry in the "Transaction History" on PAIR indicating "09-15-2005 Correction – Drawing Not Required.

Applicant is advised that when confronted with this situation the applicant should have timely replied in writing (see 37 CFR § 1.2) to traverse such a requirement much as was done in the petition. Applicant had the option to contact the examiner in regards to the Notice of Allowability and the Notice Of Draftsperson's Patent Drawing Review, requesting that he or she, in an Examiner Interview Summary Form or a Supplemental Notice of Allowability, which must be mailed prior to the expiration of the period for reply, upon reconsideration, withdraw any outstanding requirement or file a petition under 37 CFR 1.181 to the Director traversing the drawing requirement.

**37 CFR § 1.2 Business to be transacted in writing**, states:

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Petitioner should seek relief by the filing a Petition to Revive An Abandoned Application under 37 CFR § 1.137.

- Under 37 CFR 1.137(a), a petition for the revival of an **unavoidable** abandoned application.
- Under 37 CFR 1.137(b), a petition for the revival of an **unintentionally** abandoned application

Telephone inquires relating to the filing of the Petition under 37 CFR 1.137 should be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

*By mail:* Mail Stop Petitions  
Commissioner For Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Telephone inquires relating to this decision may be directed to the undersigned at 703-308-9250.



Thomas E. Hawkins  
Paralegal Specialist  
Office of the Director  
Office of Patent Publication